

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

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Attorneys for Defendant Miele USA, Inc.

DAISY MONTICH, individually and on behalf
of all other similarly situated,

Plaintiff,

v.

MIELE USA, INC.,

Defendant.

Civil Action No. 3:11-cv-02725-FLW-DEA

NOTICE OF MOTION

TO: James E. Cecchi, Esquire
Carella, Byrne, Cecchi,
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Attorneys for Plaintiff

PLEASE TAKE NOTICE that on July 2, 2012 at 10:00 am, or as soon thereafter
as counsel may be heard, the undersigned attorney for Defendant, Miele USA, Inc.

("Defendant"), shall move before the Honorable Freda L. Wolfson, United States District Judge,
at the Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, NJ 08608,
for an Order Dismissing Plaintiff's Amended Class Action Complaint Pursuant to Federal Rules
of Civil Procedure 12(b)(6) and 9(b).

PLEASE TAKE FURTHER NOTICE that the undersigned will rely upon the accompanying Brief in Support of Motion and Declaration (with attached exhibits).

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

A proposed form of Order is attached.

DATED: June 8, 2012

Respectfully submitted,

/s/ John B. Kearney

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